

**Please note: All articles are available in the attached PDF.*

**To receive the Daily News Digest in your inbox, email R6Press@epa.gov.*

1 — Sandbranch doesn't need Dallas County to fund water lines, lawyer says, but obstacles remain, Dallas Morning News, 4/27/2016

<http://thescoopblog.dallasnews.com/2016/04/sandbranch-doesnt-need-dallas-county-to-fund-water-lines-or-home-repairs-lawyer-says-but-obstacles-remain.html/>

For decades, the government has failed to provide running water and sewers to Sandbranch for two main reasons: money, and restrictions over building in an area prone to flooding. But at least one of those hurdles — cash — seemed to become somewhat surmountable Wednesday.

2 — Plans solidifying to fix issues in Sandbranch, WFAA, 4/27/2016

<http://www.wfaa.com/news/local/dallas-county/plans-solidifying-to-fix-issues-in-sandbranch/156824740>

Representatives from several government agencies gathered to discuss strategies for potentially bringing water to the southeast Dallas County community of Sandbranch on Wednesday.

3 — Exxon pays \$2.63M fine for Arkansas spill, chafes at terms, Arkansas Democrat-Gazette, 4/28/2016

<http://www.arkansasonline.com/news/2016/apr/28/exxon-pays-2-63m-fine-for-spill-chafes/>

More than three years after Exxon Mobil's Pegasus pipeline ruptured and spilled thousands of gallons of thick crude into a Mayflower neighborhood, the company has paid a \$2.63 million fine, a federal regulatory spokesman said Wednesday.

4 — Geologist's new maps detail updated oil-field activity across Oklahoma, The Oklahoman, 4/28/2016

<http://newsok.com/geologists-new-maps-detail-updated-oil-field-activity-across-oklahoma/article/5494596>

A pair of updated maps released by the Oklahoma Geological Survey on Wednesday attempt to document how much the state's oil and natural gas industry has changed over the past 14 years.

5 — Irrigation canals reopen on Navajo Nation, Farmington (NM) Daily Times, 4/27/16

<http://www.daily-times.com/story/news/local/navajo-nation/2016/04/27/irrigation-canals-reopen-navajo-nation/83565332/>

Equipment Operator Ned Castiano drove a backhoe loader to locations along the irrigation canal here to open valves so flushing could start Wednesday morning.

6 — Ban on Open Burn of Munitions Narrowly Passes Committee, WRKF, 4/28/2016

<http://wrkf.org/post/ban-open-burn-munitions-narrowly-passes-committee#stream/0>

The House Committee on Natural Resources and Environment was packed on Wednesday as Representative Gene Reynolds (D-Minden) presented House Bill 11, which Reynolds filed "strictly to stop the open burn of munitions in the state of Louisiana."

7 — Industrial fence line monitoring bill approved by House environment committee, Baton Rouge Advocate, 4/27/16

<http://theadvocate.com/news/15617421-123/industrial-fence-line-monitoring-bill-approved-by-house-environment-committee>

A bill that would make industrial plants with multiple violations pay for additional air pollution monitoring made it out of a Louisiana House committee Wednesday with overwhelming support from committee members.

8 — Air quality rules raise red flags from offshore industry, Lafourche Parish Daily Comet, 4/27/2016

<http://www.dailycomet.com/article/20160427/ARTICLES/160429705/1320?Title=Air-quality-rules-raise-red-flags-from-offshore-industry>

Oil and gas industry insiders and politicians are raising concerns over a proposed federal regulation aimed at improving the emissions from oil and gas drilling activity in the Gulf of Mexico.

8 — State regulators OK plan to declare air clean around Frisco's Exide plant, Dallas Morning News, 4/27/2016

<http://www.dallasnews.com/news/20160427-state-regulators-ok-plan-to-declare-air-clean-around-frisco-s-exide-plant.ece>

Frisco is one step closer to having the area around the closed Exide Technologies plant back in compliance with the federal air-quality standard for lead.

9 — EPA advances state incentives despite hold on climate rule, The Hill, 4/27/2016

<http://thehill.com/policy/energy-environment/277819-epa-moves-forward-with-climate-rule-state-incentives>

The Obama administration is moving forward with a state incentive program related to its contentious climate change rule, even though the regulation itself is on hold.

10 — Reducing methane emissions good for the bottom line -- McCabe, E&E News, 4/27/2016

<http://www.eenews.net/eenewspm/stories/1060036365/feed>

U.S. EPA's top air official today sought to convince stakeholders that reducing methane emissions can help oil and gas companies' bottom lines. Because methane is essentially a waste product -- as well as a potent greenhouse gas -- companies would be better off capturing it, EPA acting air chief Janet McCabe today told stakeholders and reporters.

11 — St. Mary's Episcopal kindergartner wins presidential award, Edmond (OK) Sun, 4/26/2016

http://www.edmondsun.com/news/st-mary-s-episcopal-kindergartner-wins-presidential-award/article_ce666d46-0cb9-11e6-ba92-bbd30b2640a0.html

The US EPA has announced that Rhodes Molenda, a kindergartner at St. Mary's Episcopal, was selected as the 2016 President's Environmental Youth Award recipient.

12 — Obama, responding to an 8-year old's request, will travel to Flint, Mich., next week, Washington Post, 4/27/2016

<https://www.washingtonpost.com/news/post-politics/wp/2016/04/27/obama-responding-to-an-8-year-olds-request-will-travel-to-flint-mich-next-week/>

President Obama, responding to the request of an 8-year-old girl from Flint, Mich., will travel there in a week to talk with residents concerned about the high level of lead contamination in their water.

13 — A way out of Flint's water quality crisis (opinion), The Hill, 4/27/2016

<http://thehill.com/blogs/congress-blog/energy-environment/277873-a-way-out-of-flints-water-quality-crisis>

Americans have reacted in horror and disbelief over reports that Flint, Michigan's drinking water system is dangerously contaminated by lead, a potent neurotoxin. In their April 25 article, in The Hill, Sarah Ferris and Peter Sullivan correctly point out that the problems afflicting Flint's decrepit underground water infrastructure threaten cities throughout the U.S.

14 — Study: Malfunctions and routine maintenance at plants are polluting Texas skies, Dallas Morning News, 4/27/2016

<http://thescoopblog.dallasnews.com/2016/04/study-malfunctions-and-routine-maintenance-at-plants-are-polluting-texas-skies.html/>

Malfunctions and routine maintenance at Texas industrial plants are worsening the state's air pollution, and regulators should do more to stop it, according to a study released Wednesday by a pair of environmental groups.

15 — Natural spring hidden in South Dallas wins historic protection, Dallas Morning News, 4/27/2016

<http://cityhallblog.dallasnews.com/2016/04/bubbling-natural-spring-hidden-in-dallas-wins-historic-protection.html/>

A natural spring in southern Dallas has won a first-of-its-kind historic designation after a unanimous City Council vote Wednesday.

16 — Energy-water spending bill snag threatens fragile process, E&E News, 4/28/2016

<http://www.eenews.net/stories/1060036390>

An ambitious Senate push to pass all 12 fiscal 2017 appropriations bills this year ran into its first significant hurdle yesterday when the energy and water spending bill stalled over an amendment related to the Iran nuclear deal.

17 — EPA's new ozone standards face array of legal challenges, BNA, 4/27/2016

<http://www.bna.com/epas-new-ozone-b57982070373/>

The most recent review of the Environmental Protection Agency's national ozone standards was a contentious one, with significant advocacy efforts from environmental organizations and industry alike.

18 — Things are picking up - Convenience centers designed to curtail illegal dumping, Miami (OK) News-Record, 4/27/2016

<http://www.miamiok.com/article/20160428/NEWS/160429547>

The Peoria Tribe & Ottawa County Solid Waste Convenience Centers are a real team effort. A Miami Area Chamber of Commerce ribbon cutting and grand opening for the first two centers was held Wednesday at the one located on East 90 Road just over the Will Rogers Turnpike overpass.

19 — Scientists say wastewater spills from oil development in western North Dakota are releasing toxins into soils and waterways, US News & World Report, 4/27/2016

<http://www.usnews.com/news/science/articles/2016-04-27/scientists-dakota-oilfield-wastewater-spills-release-toxins>

Brine spills from oil development in western North Dakota are releasing toxins into soils and waterways, sometimes at levels exceeding federal water quality standards, scientists reported Wednesday.

20 — Wilderness proposal draws fire, Albuquerque Journal, 4/27/2016

<http://www.abqjournal.com/764734/news/wilderness-proposal-draws-fire.html>

New Mexico's U.S. senators are cheering a Senate energy bill's inclusion of protected wilderness areas in the Rio Grande National Monument near Taos, but the plan has a significant opponent: New Mexico Land Commissioner Aubrey Dunn.

Sandbranch doesn't need Dallas County to fund water lines, lawyer says, but obstacles remain



Naomi Martin

Published: April 27, 2016 2:18 pm

Facebook

Twitter

Email

0

Comments

Print



Dallas County Judge Clay Jenkins meets Sandbranch resident Mary Nash before Wednesday's public meeting to discuss bringing the community running water. Nash is the president of the newly formed Sandbranch Development and Water Supply Corporation. (Naomi Martin/Staff)

For decades, the government has failed to provide running water and sewers to Sandbranch for two main reasons: money, and restrictions over building in an area prone to flooding.

But at least one of those hurdles — cash — seemed to become

somewhat surmountable

Wednesday, as officials

and leaders for the poor

Dallas County community

mapped a plan. At

least 10 federal, state and

local agencies grappled with how to improve conditions in the long-neglected neighborhood.

Mark McPherson, a lawyer for Sandbranch's roughly 90 residents, said they don't need the county to pay for cleaning the area, which has become a dumping ground for dead animals, tires, chemicals, human waste and used needles. Nor, he said, do they need the county to pay for housing inspectors.

McPherson said he would secure volunteers, grants and

Related

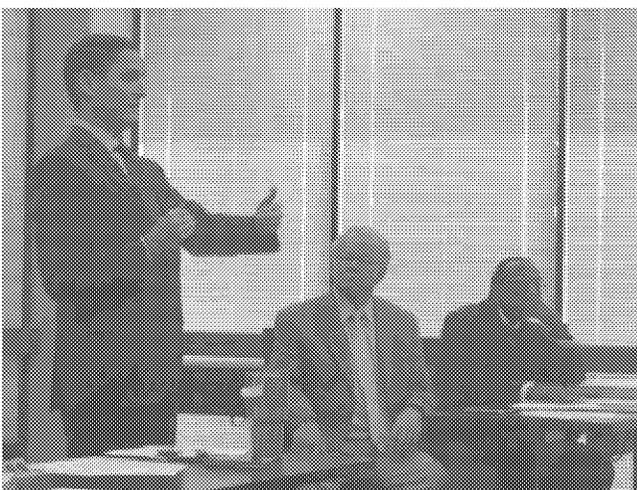
[In quest for running water, Sandbranch board's first meeting to be held Monday](#)

[Why a Plano oil lawyer is taking on the Sandbranch clean water case for free](#)

donations to take care of those needs. And, after the meeting, he said the community intends to get federal, state and nonprofit funds for infrastructure such as water lines, sewers and home repairs. Those are still a long way off, he said, but they're in reach.

“We're not asking Dallas County for a dime,” said McPherson, a Plano attorney who is representing Sandbranch for free. “They keep talking like Dallas County owns this problem. The landowners own this problem.”

So for now, McPherson said, the neighborhood wants to take responsibility for finding funds. Sandbranch has established its own water board, which is applying for grants from the U.S. Department of Agriculture to pay an engineer to develop a water plan. So, McPherson said, the county doesn't need to worry about that.



County Judge Clay Jenkins speaks at a Sandbranch meeting Wednesday, as EPA Regional Administrator Ron Curry and

But the web of regulations stemming from the neighborhood's flood risk puts the county in a sticky legal situation.

Officials must follow federal regulations or risk losing emergency protection for all of

Dallas County Commissioner John Wiley
Price look on. (Naomi Martin/Staff)

Dallas County. Also, the county has an obligation to make sure residents aren't living in dangerous squalor — which, if they are, could lead to evictions.

County Judge Clay Jenkins made clear throughout the meeting that he didn't want to see anyone forced from their homes. And, he added, the county shouldn't let liability concerns stop volunteers from cleaning the area — an issue raised by some at the meeting.

“There is no legal liability to the county if somebody cuts their hand or picks up a piece of poop out there,” Jenkins said.

“Wouldn't the greater risk be that the children playing in the park would get a needle stick as opposed to the adult wearing the safety gloves?”

Officials at the meeting agreed that church volunteers could go ahead with their planned June 11 Clean-Up Sandbranch Day. The county will likely brief them on safety risks first.

The issue of home repairs, however, remained far from resolved.

Virtually all of the 50 inhabited houses in Sandbranch need to be renovated to allow water access and eliminate safety risks such as mold and falling ceilings, Jenkins said. None of the

homes has been repaired in at least 15 years, largely out of concerns about violating federal flood regulations that started after the homes were built.

Sandra Keefe, a local director of the Federal Emergency Management Agency, said FEMA would help ensure that any new home repairs met their standards. The agency has found that Sandbranch has a 1 percent chance each year of being flooded by the Trinity River, or a 26 percent chance over 30 years.

Under FEMA rules, property owners can't spend more than half their home's pre-renovation value on any fixes not related to safety, health or sanitation, Keefe said. If they do, the renovations are considered "substantial improvements" and become subject to new requirements to protect against flooding, such as being raised higher off the ground.

Because of the extremely low property values in Sandbranch, it wouldn't take much construction to exceed that limit, Jenkins said.

Keefe said that as long as the county consults with FEMA about building permits, the agency can approve repairs in advance. That way, the county won't risk losing its emergency protection.

"FEMA does not stand in the way, by any means, to bringing

water to Sandbranch,” Keefe said. “We stand by ready to answer questions.”

She called the advance approval plan “simple” and said arguing over renovations was premature. “The cart is way ahead of the horse on this.”

Not everyone was convinced by Keefe’s reassurances.

“I find all this peculiar,” said Dallas County Commissioner John Wiley Price, who’s been in office since 1985.

“I don’t know where you worked 10 years ago,” he told Keefe. “We were going down this same road to bring them water. It was FEMA who held up the sign and said, ‘Halt.’”

Price said the legal issues were much thornier than the officials at the meeting were making them seem. He held up a Monday memo by the county’s attorney, Russell Roden.

In the memo, which Price released at the meeting, Roden wrote that county inspectors would likely need to issue citations to homeowners for each code violation. That’s a bureaucratic step that would involve the homeowner’s consent to allowing an inspection, and then a possible obligation to kicking the residents out if unsafe conditions were found.

But the residents would never allow any government officials

into their homes if there were the possibility of eviction, said McPherson, the Sandbranch attorney.

The community, which has long endured broken promises from the government, is rightly skeptical, he said.

Many believe that the Dallas County Fire Marshal's office is spying on the community and trying to "intimidate" them, said resident Mary Nash, who wore a black T-shirt that read "Straight Outta Sandbranch" to the meeting.

"They're driving around taking pictures of everything," she said.

Indeed, Price said the fire marshal's office has been documenting code violations. He said the fire marshal has found 50,000 dumped tires and roughly 50 barrels containing hazardous waste in the area.

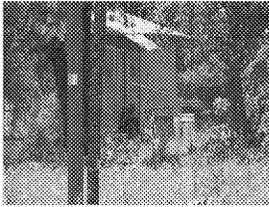
"At what point in time are we looking for a Superfund trigger in that community?" Price said, referencing a crisis-level of pollution determined by the federal Environmental Protection Agency.

EPA Regional Administrator Ron Curry said Superfund designation would take several steps. The first would be the state requesting an evaluation, which it has not.

In the end, the officials agreed to send each other all their concerns in writing and have a phone discussion in upcoming weeks.

Plans solidifying to fix issues in Sandbranch

Demond Fernandez, WFAA 9:07 PM. CDT April 27, 2016



(Photo: WFAA)

DALLAS — Representatives from several government agencies gathered to discuss strategies for potentially bringing water to the southeast Dallas County community of Sandbranch on Wednesday.

It is the second time the local, state, and federal agencies gathered to discuss Sandbranch's ongoing water and sewer access issues.

Juanita Bean, 85, is one of the oldest residents living in the small community of Sandbranch. She says her family moved to the area in 1966. Bean calls the place home.

Like many of her neighbors, her porch is stacked with several water bottles. Dallas County partners have been delivering clean drinking water to homes in Sandbranch because the well water is not safe to drink.



Juanita Bean (Photo: WFAA)

"The day they told us it was contaminated, that's the day I quit," Bean said.

Neighbors in this unincorporated community have been fighting for water and sewer service for several decades.

"At one time, this was the best water in the world," said neighbor Mary Nash, as she tinkered with the rusted water pump outside her family's home.

The well water in the area has been contaminated for several years.

"It's been a long, hard fight, but the fight is not over," Nash said.



Mary Nash (Photo: WFAA)

The economically-challenged community of Sandbranch and its residents' fight for water service has been getting a lot of attention. Dallas County Judge Clay Jenkins brought 11 agencies together on Wednesday to discuss strategies.

"We are working to knock down all of the road blocks -- these 11 agencies, together -- to bring water to the community," Jenkins said.

The governmental partners' long-term plan includes bringing water to the community, finding resources to help residents fix up or repair their homes, and removing hazards from the community.



Dallas County Commissioner John Wiley Price (Photo: WFAA)

Commissioner John Wiley Price, whose district includes Sandbranch, came to the meeting with photos showing a variety of code violations. Price also had county staff hand out a legal opinion from Assistant District Attorney Russell Roden, who is chief of the civil division.

Price told the group the fire marshal has been building a list code violations and concerns that need to be addressed in Sandbranch. Among them, Price said there are unmarked drums, human waste, and at least 50,000 tires dumped in the community and posing a safety hazard.

"The tire removal, just on what we've estimated out there... I think we've estimated what \$600,000 to \$700,000," Price said. "And that's at \$7 a tire."

Neighbors question the tire and cost estimates Price revealed. Nash called it a tactic to delay progress.



Tires dumped in Sandbranch. (Photo: WFAA)

"It just seems like it's always something wrong," she said. "They are always looking for something wrong."

The community of Sandbranch has been working on its own strategic vision and plan for improvements with the help of environmental attorney Mark McPherson, who is helping Mt. Zion Missionary Baptist Church pro bono.

McPherson and some of the community's residents came into the governmental partners meeting with lots of questions. The attorney says none of the agencies contacted him since the group's initial meeting on March 22.

McPherson says he also has concerns about some of the points Commissioner Price tried bringing up during the meeting. He says the legal opinion Price had staff hand out was filled with a lot of errors.

"A lot of facts they assumed were incorrect," McPherson said.

A volunteer group is prepared to stage a massive clean-up operation in Sandbranch, according to McPherson. He says that plan would include private sector donations.

"We will have licensed transporters, we will have manifests, we will tell you how many tires were picked up from a lot, who transported them, and where it went," McPherson explained.



Representatives from several government agencies gathered to discuss strategies for potentially bringing water to the southeast Dallas County community of Sandbranch on Wednesday. (Photo: WFAA)

Judge Jenkins urged the Texas Commission on Environmental Quality (TCEQ) and Environmental Protection Agency (EPA) to meet with McPherson about a plan to identify and remove the hazards in line with government regulations and in a manner that will not impede

the group's efforts to bring water to Sandbranch.

"Judge Jenkins has done an incredible job of pulling together off of these government agencies," McPherson said.

Neighbors say they are encouraged by the momentum they are seeing with the new efforts to look into establishing water and sewer services.

Bean said residents in Sandbranch do not want to risk being disappointed again.

"It hurts," she said. "When you go through thinking you are going to get it, and then you don't, it really hurts."

Copyright 2016 WFAA



[WFAA](#)

[Agencies meet to discuss Sandbranch solutions](#)

[\(/news/local/dallas-county/agencies-meet-to-discuss-sandbranch-solutions/97068594\)](#)



[WFAA](#)

[Agencies to discuss Sandbranch water access](#)

[\(/news/local/southern-dallas/agencies-to-discuss-sandbranch-water-access/94490518\)](#)



[WFAA](#)

[Water dispensers delivered in Sandbranch](#)

[\(/news/water-dispensers-delivered-in-sandbranch/61917879\)](#)



[WFAA](#)

[Sandbranch community holds prayer rally hoping for water](#)

[\(/news/local/southern-dallas/sandbranch-community-holds-prayer-rally-hoping-for-water/58487127\)](#)

JOIN THE CONVERSATION

To find out more about Facebook commenting please read the [Conversation Guidelines and FAQs \(http://staticDomain/conversation-guidelines/\)](#)

[LEAVE A COMMENT \(\)](#)

Exxon pays \$2.63M fine for Arkansas spill, chafes at terms

By Debra Hale-Shelton

This article was published today at 5:45 a.m.

f t +

1



PHOTO BY BENJAMIN KRAIN
FILE--Workers clean up oil spilled by a ruptured Exxon Mobil pipeline in Mayflower in this 2013 file photo.

TODAY'S TOP HEADLINES

Comment (1)

Font Size

- Exxon pays \$2.63M fine for Arkansas spill, chafes at terms
- Arkansas high school football star charged in second assault
- Most wanted Hog: Henry tops list of TEs in NFL Draft

More than three years after Exxon Mobil's Pegasus pipeline ruptured and spilled thousands of gallons of thick crude into a Mayflower neighborhood, the company has paid a \$2.63 million fine, a federal regulatory spokesman said Wednesday.

Still, the wrangling between the oil giant and the federal Pipeline and Hazardous Materials Safety Administration may not be over. The company has 89 days from the date of the



- Restaurant transitions: Sonny's remodeled, La Casa Real reopened, Mother's Day specials
- FBI agents arrest Pulaski County sheriff's employee accused in fraud case
- UA under scrutiny over rape reports

agency's final order of compliance -- April 1 -- to decide whether to challenge the far-reaching order in a federal appeals court.

"We continue to evaluate our options on the Final Order, including a possible appeal," Exxon Mobil spokesman Ashley Smith Alemayehu said in an email Wednesday.

The company paid the fine that totaled \$2,630,400 on April 21, safety administration spokesman Damon Hill said in response to a question from the *Arkansas Democrat-Gazette*. The agency sometimes posts news releases and other information online about major developments in long-standing cases such as this one but has not reported the fine's payment.

Exxon Mobil had just 20 days to pay the fine or appeal. But federal regulations give such companies substantially more time to seek judicial review of agency action.

For a company as big as Exxon Mobil -- it has estimated its 2015 earnings at \$16.2 billion compared with \$32.5 billion in 2014 -- the order could prove far more significant than a fine that totaled \$2,630,400.

The compliance order requires Exxon Mobil to modify its integrity management program to ensure that it adequately identifies risks and addresses all of the corporation's pre-1970 electric-resistance welded pipe, not just problems with the Pegasus pipeline.

Built in 1947-48, the Pegasus line and some other pre-1970 carriers used a type of pipe that is no longer manufactured and that the industry has known for decades has an increased risk of seam failure. The problems stemmed from manufacturing defects such as hook cracks -- which is what Exxon Mobil has said caused the Pegasus pipeline to crack open in Mayflower's Northwoods subdivision on March 29, 2013, Good Friday.

Exxon Mobil shut down the 861-mile pipeline -- running from Nederland, Texas to Patoka, Ill. -- shortly after the accident. Only a 211-mile stretch in Texas has resumed service.

Exxon Mobil has argued that the order is "overbroad and an abuse of discretion" because some of its provisions apply to pipelines other than the Pegasus. The federal regulatory agency has countered that it has the authority to order compliance with integrity-management regulations. As part of the compliance order, the agency also instructed Exxon Mobil to provide documentation once it has completed the required safety actions.

Among the safety administration's findings in the case was one that the oil company failed to

establish a continual assessment schedule for the Pegasus based on its risk factors.

If Exxon Mobil takes its case to court, it likely will ask the court to stay, or delay, implementation of the compliance order pending a ruling in the case.

Among the order's requirements is one that within 30 days of its issuance, subsidiary Exxon Mobil Pipeline Co. must submit to the agency a spreadsheet identifying all pre-1970 electric-resistance welded pipe covered by its integrity management program. Further safety measures are required thereafter.

The underground Pegasus pipeline runs through about 13.5 miles of Lake Maumelle's watershed -- a concern for Central Arkansas Water, the utility that oversees the lake, which provides drinking water to more than 400,000 central Arkansans.

Richard Kuprewicz, a pipeline safety consultant who has been advising Central Arkansas Water, said Wednesday that he believed the safety administration was "dead on" in its concerns about risks on other "vintage" pipelines operated by Exxon Mobil.

The agency's view was that if Exxon Mobil "didn't handle it [integrity management] well here on this pipeline, and if you've got it on other pipelines, you've also got to" take care of them, Kuprewicz said.

"I get what [the agency] is saying and fully support it," he said.

In Mayflower, the ruptured pipeline sent tens of thousands of gallons of heavy crude into the Northwoods subdivision, drainage ditches and a cove of Lake Conway.

Twenty-two houses were evacuated, some for months. Some residents never moved back, and three of the houses were demolished. Exxon Mobil has told federal authorities that the accident caused \$57 million in property damage.

Geologist's new maps detail updated oil-field activity across Oklahoma



by Adam Wilmoth • Published: April 28, 2016 •

A pair of updated maps released by the Oklahoma Geological Survey on Wednesday attempt to document how much the state's oil and natural gas industry has changed over the past 14 years.

Horizontal drilling and hydraulic fracturing have opened new fields and expanded others as producers have sought to recover oil from throughout the state.

"When you go from one map to the next, it basically shows the expansion of the oil and gas fields over time," said Brittany Pritchett, the state geologist who spent the past year creating the updated maps. "That is important because it seems as if every decade a new technology emerges that allows us to open up new areas of exploration in Oklahoma."

Ads by ZINC

The survey's new Geologic Maps detail expanded drilling in northwest Oklahoma's Mississippi Lime formation, the Anadarko Basin in western Oklahoma, and in Carter County in southern Oklahoma, as well as other parts of the state.

"There's growth all over the state, but definitely you see more expansion where horizontal drilling has become prominent," Pritchett said.

The new maps also show how production from existing fields has changed, with several areas producing more oil today where natural gas or a more even mix previously was more common.

ADVERTISEMENT

Employment Opportunities

Oklahoma Environmental Management Authority

Big Wing Interactive

Bethany Behavioral Health

Oklahoma State University

[See All Ads](#)

Pritchett compiled data on the more than 500,000 wells drilled in more than 3,000 fields throughout the state to detail current oil and natural gas activity.

“It's always surprising to me how many wells are drilled in Oklahoma,” she said.

The map is used by policymakers, industry people, mineral rights owners, as well as members of the public who just want to know whether production is happening where they live, Pritchett said.

The geological survey has published geologic maps since 1928, with updates roughly every 10 years.

Previous versions published in 2002 and 1989 show drilling activity in fewer and smaller areas.

“We need to know where the fields are,” Pritchett said. “They are always growing.”



Adam Wilmoth



Adam Wilmoth returned to The Oklahoman as energy editor in 2012 after working for four years in public relations. He previously spent seven years... [read more >](#)

Subscribe to NewsOK's Business Headlines



Email address

Subscribe

Delivered: Wednesday [View sample](#)

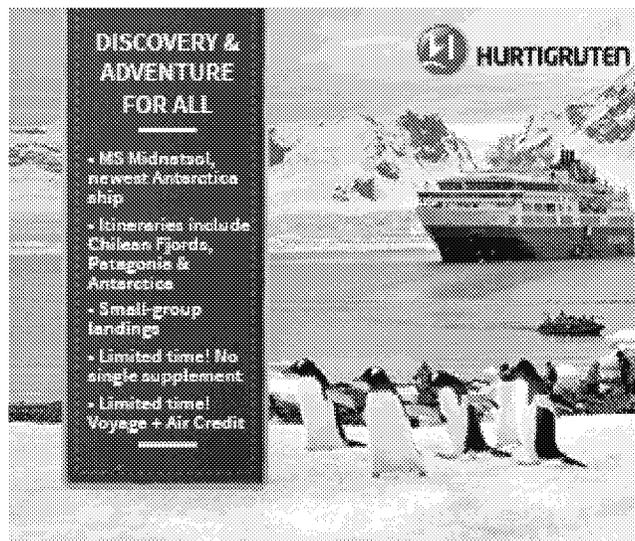
1 Comments



Ban on Open Burn of Munitions Narrowly Passes Committee

By [WALLIS WATKINS \(/PEOPLE/WALLIS-WATKINS\)](/PEOPLE/WALLIS-WATKINS) · 4 HOURS AGO

[Twitter \(http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2Fj46hptp&text=Ban%20on%20Open%20Burn%20of%20Mu](http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2Fj46hptp&text=Ban%20on%20Open%20Burn%20of%20Mu)



The House Committee on Natural Resources and Environment was packed on Wednesday as Representative Gene Reynolds (D-Minden) presented House Bill 11 (<http://www.legis.la.gov/legis/BillInfo.aspx?s=16RS&b=HB11&sbi=y>), which Reynolds filed "strictly to stop the open burn of munitions in the state of Louisiana."



Listen
2:00

The bill is a result of what happened at Camp Minden, where sixteen million pounds of deteriorating explosives were stocked. "EPA and DEQ said they wanted to open burn all that. It was determined through scientific investigation that that was the worse thing you could do with all the pollutants that would be put in the atmosphere. And then the pollutants would travel for miles and miles," explained Reynolds.

In October of 2012, some of those munitions exploded.



http://mediad.publicbroadcasting.net/p/wrkf/files/styles/x_large/public/201604/FB_IMG_1481794397

CREDIT DR. BRIAN SALVATORE

Camp Minden is in Senator Ryan Gatti's (R-Bossier City) district. He supports the ban.

"How do you get rid of sixteen million pounds of explosives? The easiest thing was just burn it where it is, open burn. It would have been the largest burning of chemicals in the history of mankind. As people began to ponder that, they realized that this level of chemicals in the air would cause cancer in the area," he says.

Public Service Commissioner Foster Campbell says other states have already banned this practice. Therefore, "they ship it to us. Why should we allow it to burn in our state?"

LSU Shreveport Chemistry Professor, Dr. Brian Salvatore, called open burning of munitions a threat to public safety and health. The waste, he warns, is "not being destroyed. It's being transformed and it's being dispersed. What are you going to convert a lot of these things into? Other things that are very harmful."

There is a company in Central Louisiana prepared to burn similar munitions. Clean Harbor's Chief Compliance Officer, Phillip Retallick, opposed the bill, saying it "takes away our ability to operate our business, even though our business is in full compliance with all applicable state and federal rules."

The committee passed the bill on a close vote of nine yeas and eight nays. It's next stop is the House floor.

RELATED PROGRAM: [CAPITOL ACCESS \(/PROGRAMS/CAPITOL-ACCESS\)](/PROGRAMS/CAPITOL-ACCESS)

TAGS: [WRKF NEWS \(/TERM/WRKF-NEWS\)](/TERM/WRKF-NEWS)

[DEPARTMENT OF ENVIRONMENTAL QUALITY \(/TERM/DEPARTMENT-ENVIRONMENTAL-QUALITY\)](/TERM/DEPARTMENT-ENVIRONMENTAL-QUALITY)

[ENVIRONMENTAL PROTECTION \(/TERM/ENVIRONMENTAL-PROTECTION\)](/TERM/ENVIRONMENTAL-PROTECTION)

[LA SEN. RYAN GATTI \(/TERM/LA-SEN-RYAN-GATTI\)](/TERM/LA-SEN-RYAN-GATTI)

[LA REP. GENE REYNOLDS \(/TERM/LA-REP-GENE-REYNOLDS\)](/TERM/LA-REP-GENE-REYNOLDS)

Industrial fence-line monitoring bill approved by House environment committee

By AMY WOLD

awold@theadvocate.com

A bill that would make industrial plants with multiple violations pay for additional air pollution monitoring made it out of a Louisiana House committee Wednesday with overwhelming support from committee members.

House Bill 486 would require industrial facilities to install air monitors around fence lines after racking up three permit violations within two years.

Sponsored by Rep. Patrick Connick, R-Marrero, the legislation would cover facilities considered “major sources” of air pollution. The type of fence-line air monitoring would collect results in “real time,” meaning they would be available immediately instead of being collected for later analysis.

If pollution is detected above a certain health standard, permit level or air quality standard, that information would then be sent to the public, possibly in a text message or phone call.

Connick represents an area where a motor oil recycling facility, Vertex Energy, has raised the ire of local residents for air pollution releases and odor complaints. Officials with Vertex have said the company made significant upgrades since the facility was purchased in 2014 and has reached out to residents.

Retired Lt. Gen. Russel Honoré, of the Green Army environmental coalition, said the bill is about providing people with information when they smell something in the air.

“By the time the inspector gets there, the cloud has moved on through,” Honoré said.

Industry representatives from the Louisiana Chemical Association, Louisiana Mid-Continent Oil and Gas Association and the Louisiana Electric Utility Environmental Group said they oppose the bill because it is unnecessary as there already are safety measures in place. If a community is dealing with a “bad apple,”

those individual companies could always be taken to court, the industry representatives told the House Committee on Natural Resources and Environment.

Costs of the proposal varied widely, with environmental groups estimating the cost to a facility would be about \$250,000 and industry representatives saying it could grow to be \$500,000 to even \$1 million.

“Our LCA members spend literally millions on safety,” said Robert Schromm, manager of governmental affairs at the Louisiana Chemical Association.

In addition, he said the fence-line monitoring technology is flawed, can cause panic for people unaccustomed to looking at air monitoring results and is better handled by the internal monitoring facilities use.

But some legislators questioned that logic. “So what you’re saying is these (monitoring) systems are good for the inside but not for the outside (of the facility)?” asked Rep. Jack Montoucet, D-Crowley.

Emory Belton, representing the utility environmental group, said there is no evidence that the fence-line monitoring approach is needed or that it will help protect people. If there are continuing problems the state Department of Environmental Quality isn’t addressing, he said, “the courts are there.”

Rep. Rodney Lyons, D-Harvey, said the amended bill would require only that the monitoring to be installed, at company expense, when a company continued to violate an air permit. “I don’t see where that can be called attacking an industry,” Lyons said. “All people are looking for is an opportunity to find out what’s coming over their heads and into their homes.”

The committee voted to approve the bill with only one dissenting vote from Rep. Jack McFarland, R-Jonesboro.

Follow Amy Wold on Twitter, @awold10.

Copyright © 2015, Capital City Press LLC • 7290 Bluebonnet Blvd., Baton Rouge, LA 70810 • All Rights Reserved

Air quality rules raise red flags from offshore industry

By [Jacob Batte](#)

Senior Staff Writer

Published: Wednesday, April 27, 2016 at 4:51 p.m.

Oil and gas industry insiders and politicians are raising concerns over a proposed federal regulation aimed at improving the emissions from oil and gas drilling activity in the Gulf of Mexico.

The proposed regulations, announced March 17 by the Bureau of Ocean Energy Management, aim to update requirements for identifying, modeling, measuring and tracking the emissions of air pollutants, in line with Environmental Protection Agency standards. Existing air quality rules have been in place since 1980.

The agency is trying to reduce volatile organic compounds, nitrogen oxide, sulfur oxide, carbon monoxide and particulates.

"This proposal takes a balanced approach to modernize BOEM's regulations and ensure compliance with today's air quality standards" said Assistant Secretary Janice Schneider in a statement. "These proposed improvements will minimize harm to human health and the environment from oil and gas activities."

The so-called Air Rule, would ensure that emissions are regulated even when the vessels are moving. The regulations apply to all sources connected to any oil and gas project, including support vessels within 25 miles of drilling. They also extend the boundaries of where operators must show the air is clean from the coastline to three nautical miles from the shore.

"Informed by our longstanding relationship with operators, this proposal incorporates key aspects of today's practices into our regulations, while also bringing our regulations up to speed with the best available science," Director Abigail Ross Hopper said. "We will review public comments and conduct rigorous stakeholder engagement before finalizing the regulations."

Critics of the proposed regulations say BOEM is rushing regulations without scientific data to back them up and that the agency is overstepping its reach.

BOEM is responsible for air emissions from oil and gas activity in the western and central Gulf of Mexico and the Arctic. The EPA regulates all other emissions in Outer Continental Shelf. Opponents of the rule say the agency's own data shows that offshore operations don't impact onshore air quality.

U.S. Rep. Charles Boustany, R-Lafayette, criticized the regulation as not allowing enough time for the agency's staff to conclude a study.

"Rulemaking must be based on sound science, not a knee-jerk reaction to the agency's preconceived notions," Boustany said. "BOEM must not proceed with a rule proposal without the necessary data to justify costly regulatory changes, period."

An overview of the rule written by the Louisiana Mid-Continent Oil and Gas Association outlined many of those concerns. Lori Leblanc, with the Gulf Economic

Survival Team, distributed information on the proposal to a group of congressmen during a tour of the offshore industry, led by U.S. Rep. Steve Scalise, earlier this month.

“If not done right, this rulemaking has significant potential to negatively impact our ability to develop and produce offshore resources on the GOM Outer Continental Shelf,” the memo says.

The proposed regulations are subject to a 60-day public comment period.

Senior Staff Writer Jacob Batte can be reached at 448-7635 or jacob.batte@dailycomet.com. Follow him on Twitter [@ja_batte](https://twitter.com/ja_batte).

Copyright © 2016 DailyComet.com — All rights reserved. Restricted use only.

State regulators OK plan to declare air clean around Frisco's Exide plant

[Facebook](#)[Twitter](#)[Email](#) 0 [Comments](#)[Print](#)

This aerial shows what's left of the Exide Technologies plant in Frisco in February. (G.J. McCarthy/The Dallas Morning News)

VALERIE WIGGLESWORTH

Staff Writer

Published: 27 April 2016 10:49 AM

Updated: 27 April 2016 03:46 PM

Frisco is one step closer to having the area around the closed Exide Technologies plant back in compliance with the federal air-quality standard for lead.

On Wednesday, the Texas Commission on Environmental Quality approved moving forward with a request to the U.S. Environmental Protection Agency to remove a "nonattainment area" designation put in place in 2010 because of high lead emissions. The vote also includes a proposed maintenance plan to ensure compliance of the lead standard through 2028.

Frisco's nonattainment area for lead encompasses a 1.28-square-mile around the plant. It's the only one in Texas and one of only 21 in the nation. The designation was triggered after the federal air-quality standard for lead was tightened tenfold in 2008, from 1.5 micrograms of lead per cubic meter of air to 0.15 micrograms of lead per cubic meter of air.

The Exide plant, which recycled used automotive and industrial batteries, closed in November 2012 as part of a landmark agreement with the city. Lead emissions in the area went from 1.06 tons in 2010 to zero by 2013.

Frisco Mayor Maher Maso was in Austin on Wednesday to address the commission and thank the state agency for its work to improve the city that's seen phenomenal growth for more than a decade.

"It's a very important part of our growth making sure our environment is protected," Maso told the commission.

The plant opened in Frisco in the early 1960s. When Exide Technologies bought the plant in 2000, the city's population was about 33,000. Frisco now has more than 154,000 residents and is projected to more than double that amount by the time the city is built out.

The first step toward removing the nonattainment area has been met. The four air-quality monitors around the plant have recorded consecutive 36 months of readings that meet the federal standard for lead.

With Wednesday's vote, the request to the EPA and proposed maintenance plan move forward. EPA officials will have the final say on removing the nonattainment area. Public comments will be accepted by the state through June 3. A public hearing is scheduled for 2 p.m. June 2 in the council chambers at Frisco City Hall.

Read the TCEQ documents here:

[Proposal for a revised State Implementation Plan in Collin County for the 2008 Lead National Ambient Air Qu...](#)



EPA advances state incentives despite hold on climate rule

By Timothy Cama - 04/27/16 09:24 AM EDT

Getty Images

The Obama administration is moving forward with a state incentive program related to its contentious climate change rule, even though the regulation itself is on hold.

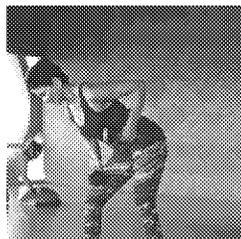
The Environmental Protection Agency (EPA) on Tuesday sent a proposal with details of the program to the White House Office of Management and Budget for its review, the final step before the program can be formally proposed to the public.

The Clean Energy Incentive Program is designed as the carrot to the Clean Power Plan's stick. The EPA is planning to give states credit for establishing certain renewable energy or energy-efficiency projects before the Clean Power Plan would take effect and require changes to reduce power companies' greenhouse gas emissions.

"Many states and tribes have indicated that they plan to move forward voluntarily to work to cut carbon pollution from power plants and have asked the agency to continue providing support and developing tools that may support those efforts, including the [incentive program]," the EPA said in a statement Wednesday.

The agency said its decision to move forward with the voluntary incentives is completely in line with the Supreme Court's February action to stop implementation of the Clean Power Plan while the litigation process proceeds, even though some details of the incentive program were laid out last year.

SPONSORED CONTENT



How Much Omega-3 Do You Need?

By GNC

Feeling Better. Performing Better. It can all start with a high-quality Omega-3 supplement. Just Ask. We Make It Simple. #askGNC [Read More](#)

"The proposal is informed by an extensive public outreach process that began late last year and has included engagement with hundreds of interested stakeholders," it said.

The EPA would give states participating in the program credits for eligible renewable or efficiency projects that could later be used to cancel out greenhouse gas emissions from fossil fuel plants under the Clean Power Plan.

The Office of Management and Budget usually takes less than 60 days to review proposals, but it could take longer if it chooses. After that office approves the proposal, the EPA plans to put it out for public comment.

TAGS: Clean Power Plan, Environmental Protection Agency, Climate change, climate rule

The Hill 1625 K Street, NW Suite 900 Washington DC 20006 | 202-628-8500 tel | 202-628-8503 fax

The contents of this site are ©2016 Capitol Hill Publishing Corp., a subsidiary of News Communications, Inc.

CLIMATE: Reducing methane emissions good for the bottom line -- McCabe

Amanda Reilly, E&E reporter

Published: Wednesday, April 27, 2016

U.S. EPA's top air official today sought to convince stakeholders that reducing methane emissions can help oil and gas companies' bottom lines.

Because methane is essentially a waste product -- as well as a potent greenhouse gas -- companies would be better off capturing it, EPA acting air chief Janet McCabe today told stakeholders and reporters.

"Methane that escapes from leaks or what have you -- that's product that can be sold, whatever the price is," McCabe said. "So capturing that and not letting it escape is going to be a good thing for the industry."

McCabe's remarks at an event this morning sponsored by Bloomberg Government and the Sierra Club come as EPA is finalizing a suite of measures to limit methane and volatile organic compound (VOC) emissions from new oil and gas equipment. EPA will issue those final regulations "soon," McCabe said.

She maintained that EPA is committed to regulating existing equipment and will also soon issue what's called an "information collection request" to start the rulemaking process.

Industry has repeatedly warned that EPA's intended actions to reduce methane emissions will come with big costs and has maintained that voluntary approaches are already achieving reductions. Industry trade groups are also disputing the data EPA is using to show that regulations over existing operations are necessary (*E&ENews PM*, April 19).

McCabe said today that EPA believes the methane-reduction technologies that would be required by the agency's regulations are both available and cost-effective.

"The ways of addressing these leaks are extremely cost-effective, and our proposal shows that the rule is cost-beneficial," McCabe said.

The regulations proposed in August would require the oil and gas industry to find and repair leaks in new equipment, capture natural gas from the completion of hydraulically fractured oil wells, limit emissions from new and modified pneumatic pumps on well pads, and limit emissions from several types of equipment used at natural gas transmission compressor stations.

EPA has additionally put forth a proposed rule to require gas wellheads that also produce oil to use so-called green completion technology, and a measure to tighten restrictions for wellheads in ozone nonattainment areas. A fourth proposal would limit emissions from operations on American Indian lands.

In a regulatory impact analysis last year, EPA estimated that limiting methane emissions from new sources would have a net monetized benefit of \$43 million

in 2020 and \$160 million in 2025.

"When you reduce methane, many of the measures are industry using methane more efficiently," said Drew Shindell, a climate sciences professor at Duke University, "so there's an extra cost incentive that you don't get typically" from controlling other types of greenhouse gases.

When it comes to addressing emissions from existing sources, McCabe today said EPA will use its information collection request to find out how to design methane control approaches that are cost-effective across the wide range of activities in the natural gas sector.

"Facilities that are already out there, they have various constraints that new sources don't have, and so there's a lot of information that we need," she said.

EPA is considering issuing an initial broad information request and then following it up with one targeted at specific areas, the air chief said.

"We're looking across the industry, and there's a lot of pieces of equipment that you find at different places along the value chain," McCabe said. "And so if you can cost-effectively deal with controllers and compressors in one part of the industry, you probably can in the other."

Environmentalists today said that industry concerns about the cost of addressing methane emissions were overblown.

"We can make incredible progress on this issue and it doesn't materially impact the ability of the industry to produce the product," said Mark Brownstein, vice president of the Environmental Defense Fund's climate and energy program. "So if you believe that this is a strategy that's going to shut down oil and gas development -- it's not."

Mark Boling, president of V+ Development Solutions at Texas-based Southwestern Energy, said natural gas companies are looking at the issue as a way of increasing the efficiency of energy delivery. Southwestern is a founder of a voluntary industry methane-reduction effort called the ONE Future Coalition.

But while Southwestern made money the first year and broke even the second year it operated a leak detection and repair program, Boling warned that smaller companies would have difficulty affording the same equipment if required by EPA.

"It obviously stings quite a bit, especially in the environment we're in right now," Boling said. "In any capital-extreme environments, right now is very difficult."

Boling said attacks on the oil and gas industry have made some companies feel reluctant to even discuss regulatory options.

"When any industry, whether it's the oil and gas industry, or whatever, has the kind of attacks that this industry had, starting out with flaming faucets," Boling said, "... they become very defensive. That defensive posture then kind of modifies itself into a hesitancy to acknowledge legitimate risks."

EPA received 900,000 comments on the new-source regulations, McCabe said. A lot of those comments concerned the frequency of leak detection and exempting low-producing wells.

McCabe declined to talk specifics about the final suite of measures for new sources but said she's "never encountered or dealt with an EPA rule that didn't get better between proposal and the final rule because of the input we got."



http://www.edmondsun.com/news/st-mary-s-episcopal-kindergartner-wins-presidential-award/article_ce666d46-0cb9-11e6-ba92-bbd30b2640a0.html

St. Mary's Episcopal kindergartner wins Presidential award

Special to the Sun 17 hrs ago

0

The U.S. Environmental Protection Agency (EPA) Region 6 has announced that Rhodes Molenda, a kindergartner student at St. Mary's Episcopal, was selected as the 2016 President's Environmental Youth Award (PEYA) recipient. Rhodes will be presented the PEYA award for K-5th by U.S. House of Representative Randy Grau and Meegan Moran, Keep Oklahoma Beautiful Project Coordinator at St. Mary's Episcopal School's "Storm Central" on April 3.

Rhodes and his family will travel to Washington, D.C. in August for the formal reception for all 10 EPA regions. Rhodes' award winning project focused on school recycling. The action plan was initiated when the school's former recycling company was sold and no recycling was taking place. Rhodes collects paper, plastics and aluminum from classmates before school each week.

The materials collected are brought to Keep Oklahoma Beautiful recycling bins or the Edmond Recycling Center. Rhodes realized how important recycling was and knew this was an important job he could tackle. He attends the before and after school program Beyond the Classroom (BTC). He and BTC friends are making the world a cleaner and better place through their dedicated efforts.

"Someday I hope every class will recycle and maybe we can have our lunch stuff recycled and have a worm compost bin for the fruit and vegetables we don't eat. There is too much trash and when we recycle we make new things from just trash. It is really fun to recycle."

Beyond the Classroom Director Donna Mackiewicz, Oklahoma Master Naturalist and member of Oklahoma Association of Environmental Education (OKAEE) encourages students to explore their natural surroundings. "Taking care of the Earth, spending time outdoors and taking responsibility for the care of our planet is something every child can do whether they are three or 103. We are all very proud of Rhodes and know this is just the first step of many he will take as he makes the world a better place," Mackiewicz said.

In 1971 the President of the United States joined with EPA to recognize young people across the U.S. for protecting our nation's air, water, land and ecology.

FOR MORE information on the award, visit www.epa.gov/peya.

0 comments

Sign in

3 people listening

	+ Follow	Share	Post comment as...

Newest | Oldest

This Week's Circulares



HOVER FOR CIRCULAR



HOVER FOR CIRCULAR



HOVER FOR CIRCULAR



Obama, responding to an 8-year old's request, will travel to Flint, Mich., next week

Campaign 2016

×

State of the 2016 race

>

By Juliet Eilperin and Brady Dennis April 27 at 11:36 AM

President Obama, responding to the request of an 8-year-old girl from Flint, Mich., will travel there in a week to talk with residents concerned about the high level of lead contamination in their water.

Mari Copeny, who acquired the nickname Little Miss Flint for her vocal activism on the issue of lead exposure, wrote Obama last month when she was preparing to come to D.C. to watch Michigan Gov. Rick Snyder (R) testify before the House Oversight Committee on his state's handling of the issue. Snyder, as well as the state's Department of Environmental Quality and the federal Environmental Protection Agency, have come under fire for not acting sooner to limit lead contamination coming from the city's aging pipe system.

"I know this is probably an odd request but I would love for a chance to meet you or your wife," Mari wrote. "My mom said chances are you will be too busy with more important things, but there is a lot of people coming on these buses and even just a meeting from you or your wife would really lift people's spirits."

Obama [responded in a letter](#) Monday, which the White House posted Wednesday on the site Medium. He noted that she was "right that Presidents are often busy, but the truth is, in America, no title is more important than citizen."

"I want to make sure people like you and your family are receiving the help you need and deserve," the president wrote, adding he wanted her to be "the first to know" that he's coming to her city on May 4. "Like you, I'll use my

voice to call for change and help lift up your community."

In an interview Wednesday Copeny's mother, LuLu Brezzell, said her daughter was "a little overwhelmed" at the prospect of meeting the president, but "hasn't stopped smiling" since they received a call from the White House this week that he'd be coming.

"We've always taught her to stand up for what she believes in and to use her voice," said Brezzell, who said she asked her daughter if she wanted to write to Obama while they were traveling to Washington last month to attend a hearing on Capitol Hill about the Flint water crisis.

Flint's water contamination became a major issue in the presidential race around Michigan's primary, as Democrats Hillary Clinton and Bernie Sanders cited it as a sign of Republican politicians' indifference to those who are poor and African American, while Republicans said Obama administration officials bore part of the blame for the problem. An ongoing state probe has faulted Michigan officials for making the key decisions that have exposed thousands of children in the community to dangerously high lead levels that can cause permanent neurological problems.

For decades, Flint had purchased its water from Detroit. It came from Lake Huron, with anti-corrosion chemicals added along the way. But as the once-thriving, now-struggling industrial city sought ways to trim its budget under the watch of an emergency manager appointed by the state, officials in 2014 switched the city's water source to the Flint River.

State officials, however, fatefully failed to ensure the addition of chemicals intended to control the corrosion of pipes and prevent lead and other contaminants from leaching into the water. Eventually, more than 95,000 residents in the troubled city — including about 9,000 children under age 6 — were exposed to water tainted with lead and other potential contaminants.

Speaking to reporters Wednesday, White House press secretary Josh Earnest said the trip aims to "demonstrate that while the public discussion of this situation doesn't retain the same spot in the limelight, the administration is committed to following through on helping that community recover."

"Now, we would certainly welcome a greater commitment, or frankly, any commitment from Republicans in Congress ... in responding to this situation," he added. "The administration has marshaled significant resources to help that community respond."

Obama will not just be conveying his support for the community in Flint, Earnest said, but "making a broader argument to the country about why investments in our infrastructure are so critically important."

Many people in Flint were disappointed when Obama did not visit the city when he attended the Detroit Auto Show,

which is barely an hour away, in January. Brezzell said in addition to being proud of her daughter, she hopes the president's upcoming visit can begin to heal the anger and distrust of government that are so prevalent in the beleaguered city.

"People here tend to feel like they've been forgotten, like our lives don't matter to the people in government -- to the people in power -- because so little has been done to fix the actual problem," she said. "With him coming here, it will give people the idea that he does care, that the Commander-in-Chief does care about the lives of people here."

The Daily Trail newsletter

[Sign up](#)

A daily briefing of what's happening on the campaign trail.

Last month, a task force appointed by Michigan Gov. Rick Snyder (R) to investigate the water crisis in Flint issued a blistering report, largely blaming state officials in what it called "a story of government failure, intransigence, unpreparedness, delay, inaction and environmental injustice."

The report said the state Environmental Quality Department "failed in its fundamental responsibility" to enforce drinking-water regulations, even as it assured top state that Flint's water was safe when it wasn't. It faulted Snyder and his administration for failing to act even after senior staff members raised the issue.

It said Flint's water department "rushed unprepared" into switching to a new water source in 2014. And it blamed the Environmental Protection Agency's delayed enforcement of federal drinking-water standards for "prolonging the calamity."

Last week, Michigan Attorney General Bill Schuette announced criminal charges against three government employees for their role in the ongoing water crisis in Flint. The charges include more than a dozen separate counts — including tampering with evidence and misconduct in office — against two officials at the Michigan Department of Environmental Quality, as well as a Flint water quality supervisor.

"These charges are only the beginning, and there will be more to come," Schuette said at the time.



April 27, 2016, 03:01 pm

A way out of Flint's water quality crisis

By Bonner R. Cohen

Americans have reacted in horror and disbelief over reports that Flint, Michigan's drinking water system is dangerously contaminated by lead, a potent neurotoxin. In their April 25 article, in *The Hill*, Sarah Ferris and Peter Sullivan correctly point out that the problems afflicting Flint's decrepit underground water infrastructure threaten cities throughout the U.S.

To keep a tragedy like the one in Flint from happening elsewhere, it is important to understand what really happened there, and to appreciate what cash-strapped municipalities can do on their own to keep their constituents from suffering a similar fate.

Setting aside the bungling of officials at all levels of government, Flint's water system was a disaster waiting to happen. Lack of open competition for piping used in Flint's water system blocked innovation and was a key, if little-noticed, factor in the disaster.

Flint's corroded underground iron pipes have long been a breeding ground for human pathogens. Chlorine, a widely used and powerful disinfectant, is added to water to prevent growth of microorganisms that cause disease. According to Professor Marc A. Edwards of Virginia Tech, an expert on water treatment and corrosion, Flint's iron pipes are so corroded that they undermine chlorine's capacity to disinfect water. Iron corrosion consumes chlorine, Edwards explains, making it more likely that harmful bacteria will grow in the water. Reduced levels of chlorine cannot adequately protect the public from human pathogens. This contributed to the May 2000 e-coli outbreak in Walkerton, Ontario, which killed seven people and made thousands sick. It may also have played a role in the recent outbreak of Legionnaires' disease in Flint.

Iron piping is not only failing due to corrosion but is increasingly associated with public health and safety issues. Recent studies show, for example, that the cement mortar lining used in ductile iron pipes is a potential source of water contamination and that there is an association between iron corrosion and increased levels of lead in water.

Edwards and his fellow Virginia Tech researchers have identified corroding iron pipes as "the most expensive problem facing water utilities." A task force appointed by Gov. Rick Snyder found that the primary blame for the contamination in Flint lay with the state Department of Environmental Quality for failing to require the use of anti-corrosion chemicals in the water to keep the iron pipes from leaching lead and contaminating drinking water. Those chemicals require ongoing monitoring, and their use is absolutely necessary in cities burdened by corroding underground iron and lead pipes. But Flint was spending so much money repairing its leaking iron pipes that scant funds were available for anti-corrosion chemicals.

Mayor Karen Weaver has pledged to replace Flint's entire 550-mile underground piping network, but her cash-strapped city of 95,000 is hoping that Lansing and Washington will provide most of the funding. While some emergency aid will doubtless be forthcoming, Mayor Weaver can begin to put Flint on the road to recovery and self-reliance by addressing the real problem afflicting her city's drinking water. She need look no further than right next door to the city of Burton.

With its 30,000 inhabitants, Burton is contiguous to Flint and, until recently, its leaking, corroded underground iron and ductile iron pipes were decaying at an alarming rate.

"Our iron pipe lines were so brittle that we had to reduce pressure to avoid water main breaks," says Burton Utilities Superintendent Dave Marshke. "Residents were complaining of low water pressure and rusty sediments." Like Flint, Burton was saddled with procurement specifications that were as antiquated as its iron water pipes and which effectively excluded any alternative solution or technology from the competitive bidding process. Facing many of the same financial constraints that bedevil Flint, Burton Mayor Paula Zelenko petitioned and fought Genesee County for her city to be allowed to have a procurement process for pipe replacement that included competitive bidding. Her plan to upgrade Burton's water system predates the Flint fiasco. The project, which began in June 2014, will, upon completion in 2019, have replaced 19 miles of corroded, dilapidated iron pipe with lead-free, non-corrosive PVC pipe at a cost \$2.2 million lower than the nearest bidder.

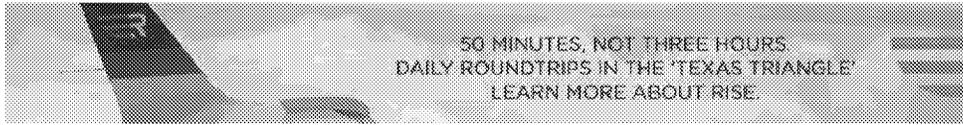
"I believe that responsible elected officials support open competition and the need for alternative products and materials in bidding processes for underground infrastructure. This is a fundamental right and responsibility of all municipal governments," says Mayor Zelenko. In recognition of her efforts to bring safe drinking water to the residents of Burton, she received the Genesee County Metropolitan Commission's 2015 Innovation in Infrastructure and Technology Award.

By following Mayor Zelenko's example, Flint and other cities can take a giant step toward providing residents with safe drinking water, and at an affordable rate made possible by open competition and sustainable underground water infrastructure.

Cohen, Ph. D., is author of "Fixing America's Crumbling Underground Water Infrastructure," published by the Competitive Enterprise Institute.

The Hill 1625 K Street, NW Suite 900 Washington DC 20006 | 202-628-8500 tel | 202-628-8503 fax

The contents of this site are ©2016 Capitol Hill Publishing Corp., a subsidiary of News Communications, Inc.



- Home
- News
- Business
- Sports
- Entertainment
- Arts & Life
- Opinion
- Obits
- Marketplace
- DMStore

[Communities](#) [Crime](#) [Education](#) [Investigations](#) [State](#) [Nation/World](#) [Politics](#) [Videos](#)



Search



News > [The Scoop Blog](#)

The Scoop Blog

Study: Malfunctions and routine maintenance at plants are polluting Texas skies

 [Jeff Mosier](#) 

Published: April 27, 2016 6:45 pm

[Facebook](#) [Twitter](#) [Email](#) [0 Comments](#)

[Print](#)



The oil and gas industry in Texas has excessive emissions during maintenance and malfunctions, according to an environmental study released Wednesday. (Scott Dalton/Bloomberg News)

Malfunctions and routine maintenance at Texas industrial plants are worsening the state's air pollution, and regulators should do more to stop it, according to a study released Wednesday by a pair of environmental groups.



Archives

Select Month 

About this Blog

Local News columnists, reporters and editors invite you to join the discussion of the hot topics of the day. We encourage thoughtful reader contributions on any interesting subject in the news.

The “Breakdowns in Air Quality” report documents what it said are gaps in the regulatory system and how the chemical and oil and gas industries often take advantage of them. The research focuses on facilities that generate large amounts of pollution during maintenance, repairs and malfunctions – some of which can last for months.

“This unauthorized air pollution not only threatens public health and our environment, but also our confidence in the regulatory agencies charged with enforcing anti-pollution laws,” the report said.

Here are some of the most dramatic numbers in the report by Environment Texas Research & Policy Center and the Environmental Integrity Project:

- In 2014, the Keystone Gas Plant in West Texas released 226 tons of sulfur dioxide during its regular operations. But it emitted 5,493 tons – 24 times more – during malfunctions that same year. One 2015 malfunction lasted for six months.
- The Waha Gas Plant in West Texas flared more than 400 pounds of hydrogen sulfide and more than 18 tons of sulfur dioxide when a compressor was “down for maintenance” last year. The facility’s permit didn’t allow for any emissions of those two pollutants.
- The permit for the Mallet gas plant in the Texas Panhandle allowed it to release less than a ton of sulfur dioxide annually. Instead, it released 449 tons during maintenance and malfunctions in 2014, and another 375 tons last year.

It’s not clear what – if any – repercussions those plants’ operators will face. Also, the state’s “affirmative defense”

Related

D-FW gets an F (again) for its air pollution in American Lung Association report

Two D-FW members of Congress urging EPA to reject Texas smog plan as too weak

Texas AG Ken Paxton suing EPA over air pollution rules intended to protect national parks

THE 2016 NISSAN ROGUE®
*More Cash Back Information

\$1,000 Nissan Cash Back¹
+ \$250 NMAC Cash²
Up To
\$1,250
Total Savings*

SHOP NOW BUILD

Video

General News Stories



Lynn to replace Solis as next chief judge on May 1



Released from death row, he’s reaching back for those still there



Jury awards Hulk Hogan \$115M in sex tape lawsuit against Gawker

Categories

Select Category

Mobile

Get dallasnews.com on your mobile device

Newsletters

Subscribe to a variety of newsletters

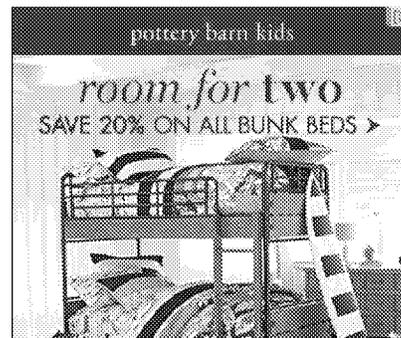
provision makes it difficult for individuals or groups to sue when there are emission problems.

Few of the facilities listed on the report's top 10 emission lists were in the Dallas area. The worst offenders were generally in West Texas oil and gas fields and among Gulf Coast chemical plants and refineries. Half of the 10 largest accidental emitters of the carcinogen benzene were in Jefferson County, east of Houston.

Andrea Morrow, a spokeswoman for the Texas Commission on Environmental Quality, said the state's procedures have been approved by the EPA and are consistent with the federal Clean Air Act.

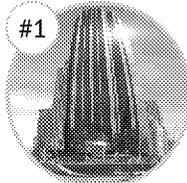
"To characterize TCEQ's environmental enforcement as 'hands off' is patently untrue and misleading to the public," she said in a written statement. "TCEQ consistently pursues administrative, as well as civil enforcement, against noncompliant regulated industries in accordance with a vigorous, clearly articulated regulatory framework."

The agency issued \$2,875,661 in fines for emission in the 2015 fiscal year.



US Cities With the Most Thefts

#1



New York, NY
Population 8,336,697
117,931 Thefts in 2012

SEE THE LIST 



Railroad tanker cars line alongside a Dow Chemicals plant in Freeport, Texas. The Dow Freeport Chemical Plant was the top Texas emitter of benzene during malfunctions and maintenance in 2015.(Pat Sullivan/Associated Press)

The report criticized the industry and regulators for how

emissions are handled during planned maintenance. There are often large amounts of emissions released during those shutdowns and when they restart.

“EPA should require industrial plants to fairly and accurately measure their potential to emit pollution from all normal and foreseeable operations ... and these emission limits be set at levels that do not degrade air quality” the report said.

Ilan Levin, Texas director of the Environmental Integrity Project, said he couldn't cite any specific health effects from emissions highlighted in the report. The weather and location of nearby towns would need be taken into account on a case-by-case basis.

But he noted that many of these are highly toxic and carcinogenic chemicals, and in some case, ones that contribute to climate change.

Levin also said that allowing companies to release huge amounts of pollution during foreseeable maintenance undercuts state plans, which are built around these pollution limits that are frequently violated. He said emissions should be build into facilities' existing permits.

“They're [regulators] assuming that companies are going to be operating within their permit limits,” he said. “That all goes out of the window if companies are allowed to exceed permit levels whenever.”

Morrow said that companies must get permits for regularly scheduled maintenance, and those are subject to emissions limits. But there are some cases when unplanned maintenance is needed. And she said those companies must “minimize emissions, duration, and impacts.”

These are not new concerns or isolated to Texas. The Sierra Club started petitioning the EPA in 2011 for these changes to states' affirmative defense rules.

“Because these emissions spikes have been viewed as operationally necessary, state regulators have allowed facilities to undergo them without fear of having to pay fines

or alter their operations,” Sierra Club officials said in a written statement in 2013.

In response to litigation, the EPA is requiring Texas and 35 other states to change their rules about pollution emitted during startups, shutdowns and malfunctions.

The states must submit new plans to the EPA by November. The sponsors of this study and other environment groups are asking the EPA to go even further to ensure there are consequences for excess pollution.

The EPA action was well underway before the nation’s largest methane leak started late last year in Southern California and became national news. Thousands were forced from their homes by a four-month blowout at a Southern California Gas Co. storage facility, one of the nation’s largest.

About 100,000 tons of methane – which contributes to climate change – was released into the atmosphere, according to calculations by the journal *Science*. That was the equivalent to the greenhouse gas emissions produced by 572,000 cars in a year.

A California Public Utilities Commission survey afterward found frequent leaks at similar facilities statewide and that the leaks often lasted for months, according to the *Los Angeles Times*.

The Texas report points to the state’s oil and gas pollution numbers as particularly troubling.

“Compared to every other industry, they just emit disproportionately more air pollution during these malfunction and maintenance events than any other industry,” Levin said.

The study found that malfunctions accounted for about 41 percent of the sulfur dioxide emissions in the oil and gas extraction business in 2014.

Malfunctions “are supposed to be rare and unpredictable

events that are out of the control of the plant operator,” according to the report. “But Texas and the EPA have allowed industries to blur the line between routine operations and unavoidable malfunctions, and for many facilities malfunctions are the norm.”

The report also said that “unlike other industrial sectors, oil and gas producers appear to treat malfunctions – and the unfettered air pollution releases that accompany these events – as a routine business practice.”

Energy Transfer Partners, operators of the Keystone and Waha plants, had only a brief statement about the report’s criticisms.

“As part of our ongoing commitment to operate our facilities in the safest and most responsible manner possible, we are in regular contact with appropriate regulatory agencies,” spokeswoman Vicki Anderson Granado wrote. “The health and safety of the community and our employees, and the protection of the environment are our top priorities.”

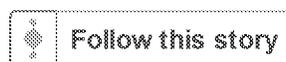
Officials with Occidental Petroleum Corp., which operates the Mallet plant, could not be reached for comment Wednesday.

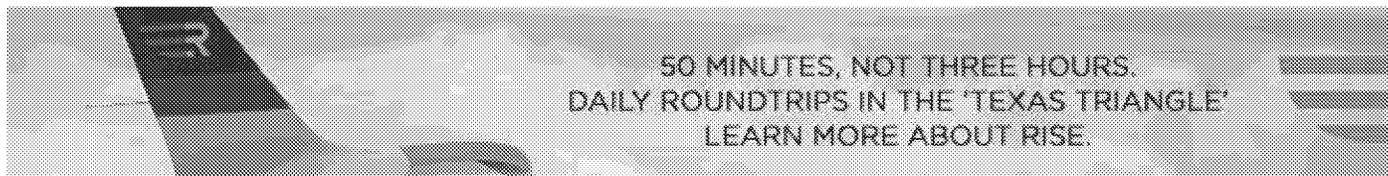
The report argues that a large amount of emission during malfunctions were a result of “operator errors, poor plant design, and a lack of preventive maintenance.”

The environmental groups pointed to a state research from 2013 that backs up their contention. The TCEQ used aircraft to monitor oil and gas sites in West and South Texas.

The data showed that about 800 storage tanks were leaking volatile organic compounds and nearly “all of the issues documented arose from human or mechanical failures.”

On Twitter: @jeffmosier





72° Thursday, A

The Dallas Morning News

Subscribe Sign In

- Home
- News
- Business
- Sports
- Entertainment
- Arts & Life
- Opinion
- Communities
- Crime
- Education
- Investigations
- State



Search



News > City Hall Blog

City Hall Blog

Bubbling natural spring hidden in southern Dallas wins historic protection



Tristan Hallman

Published: April 27, 2016 3:42 pm

Facebook

Twitter

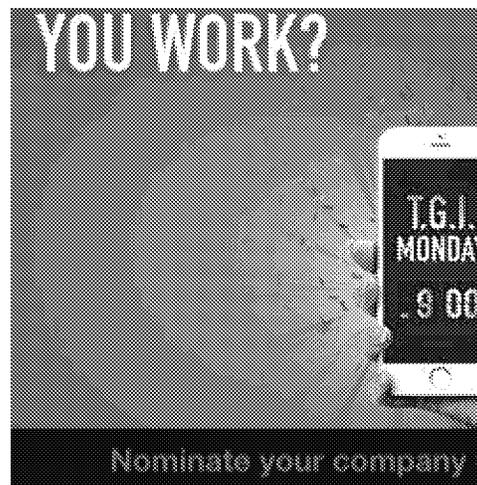
Email

8 Comments

Print

A natural spring in southern Dallas has won a first-of-its-kind historic designation after a unanimous City Council vote Wednesday.

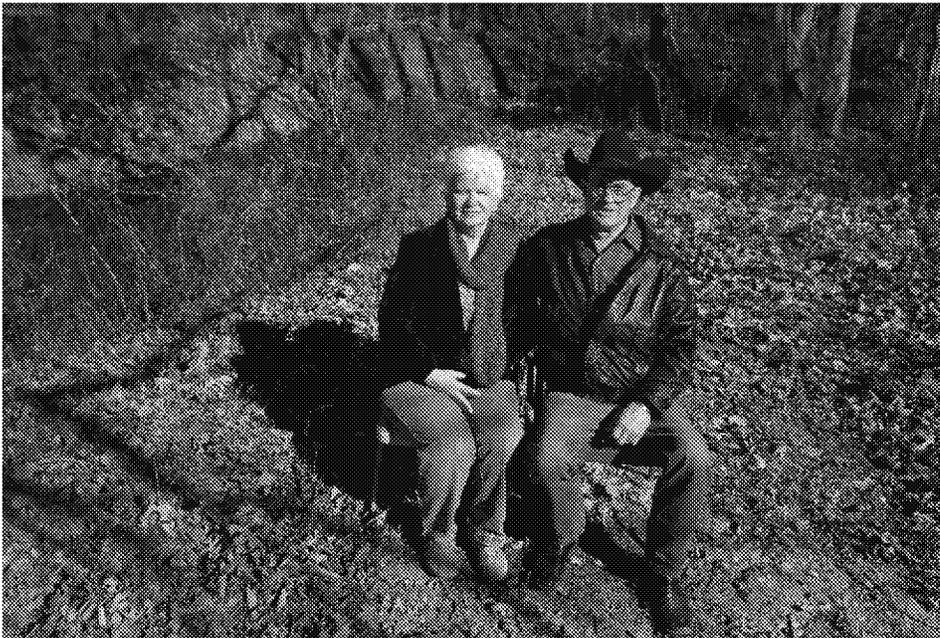
“This is a watershed moment — pun intended,” council member Rickey Callahan said.



Archives

Select Month ▼

About this Blog



Bill Pemberton (right) and his wife, Zada, sat for a portrait in January in front of Big Spring on what used to be their property. In 2004 the city of Dallas purchased the land from the Pemberton family. Edward Case Pemberton, Billy Ray's grandfather, originally purchased the land in 1880. (Andy Jacobsohn/The Dallas Morning News)

Big Spring, filled with fish and surrounded by hundreds of plant species, gushes more than 25 gallons of crystal clear water each minute. It's one of the last known natural springs in Dallas. Others,

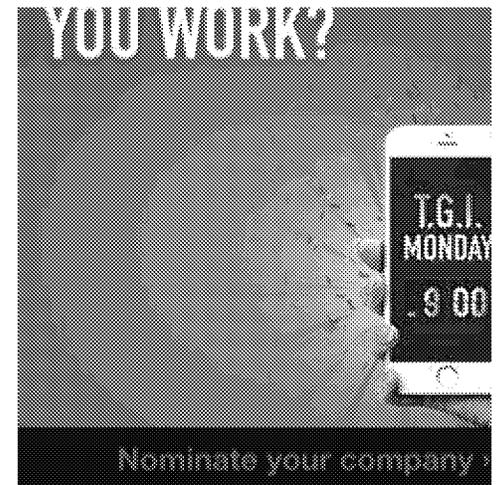
Related

Dallas' secluded 'Big Spring' wins another approval for historic protection

Dallas 'secret' Big Spring gets attention, seeks preservation status

Dallas Landmark Commission votes to protect Big Spring

Our City Hall reporters and other *Dallas Morning News* writers and editors provide in-depth features, breaking news and offbeat tidbits through lively coverage of Dallas government. Readers are encouraged to join the conversation.

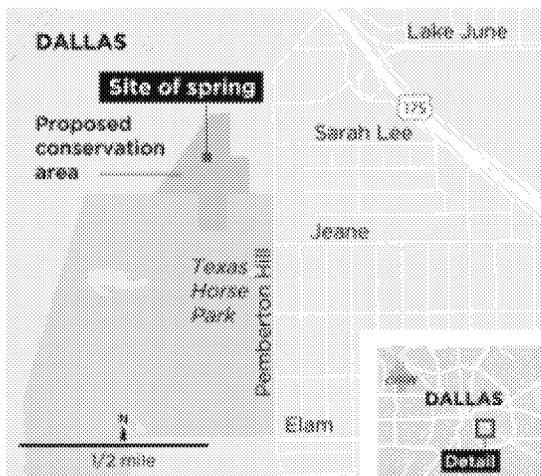


Video

Politics Stories

such as Kidd Springs and Cedar Springs, were choked out and paved over long ago.

The council members prevented possible future development of the area and enthusiastically backed the landmark protections for Big Spring, which is located north of the Texas Horse Park. In the past, the city has always used the designation to save historic buildings, not natural wonders.



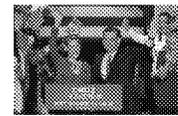
SOURCE: City of Dallas Landmark Commission

Laurie Joseph/Staff Artist

Callahan called Big Spring “an act of God that we need to stand back and respect.” Council member Sandy Greyson dubbed

it a privilege for the council. Council member Philip Kingston said he was excited and lauded the grassroots movement to push for the designation.

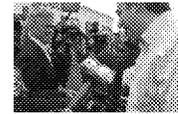
Billy Ray and Zada Pemberton, who live near the spring, have tended to the bubbling water hole for years. And



Cruz picks Carly Fiorina for VP in move seen as bold, clever and desperate



Trump pads lead with wins in 5 states as Cruz hunkers down in Indiana



Reports: Cruz will name Carly Fiorina as VP at afternoon rally

Select Category

Mobile

Get dallasnews.com on your mobile device

Newsletters

Subscribe to a variety of newsletters

naturalist Ben Sandifer has led a team that studied the spring's ecology and researched its history. Former City Council member and preservationist Veletta Lill also pushed the effort at Dallas City Hall.

The whole effort took years before it sailed through the Landmark Commission, Plan Commission and City Council this year.

“The vote was made easy because of the work that we’ve all done,” Sandifer said.

But the work continues. The naturalist team knows vigilance will be needed to protect the spring. Sandifer said he hopes to make the spring more publicly accessible and develop an educational curriculum for visitors.



Richard Grayson takes a water sample from a natural spring in the Great Trinity Forest Wednesday July 10, 2013. (Ron Baselice/ The Dallas Morning News)

CEDAR CANYON
EST. 1978

Cedar Canyon DF
Wedding & Corporate Reception

BOOK YOUR EVENT NOW

US Cities With the Most Property Crimes

#1

New York, NY
Population 8,336,697

141,971 Property Crimes in 2015

SEE THE LIST →

**EMERGENCY
SPILL
RESPONSE
SERVICES**

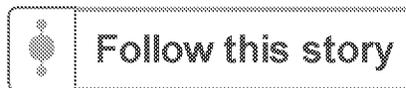
Anytime.
Anywhere.
30 U.S.
Response Centers.

GET A
CONTRACT

Lill said she hopes the process will provide the city a template for future protection of undeveloped land in Dallas.

“For me, it was about the history of Dallas,” Lill said. “Too often, we don’t know our history.”

Twitter: @TristanHallman

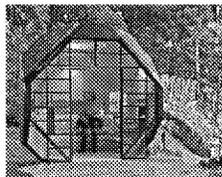


Promoted Stories From The Web Recommended by



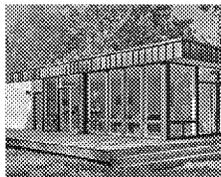
Explore the Life of Buffalo Bill, a Symbol

Buffalo Bill Center of the West



20 Tiny Homes That You'll Want Move To

Weekend Collective



Micro-Mansions Are the New Craze

PureWow



Which Sports Legends Have the Most

Forbes

More Promoted Stories

See 16 Images of Exquisitely

Chic Parisian Apartments

1stdibs

This Insane Skyscraper

Shouldn't Be Built Around

Central Park--But It Should

Exist Co.Exist

Micro-apartments face

backlash in Seattle Allstate

More From Dallasnews.com

West Texas detective charged

in sexual assault of 3 women,

including 2 juveniles Crime Blog

14 kittens rescued from Fort

Worth dumpster The Scoop Blog

Tenants in substandard

housing join case against

Dallas' low-rent landlords City

APPROPRIATIONS: Energy-water spending bill snag threatens fragile process

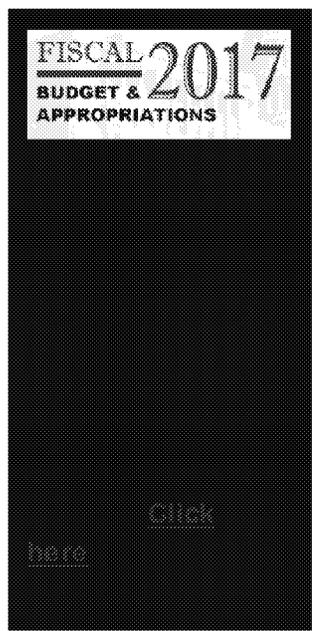
George Cahlink and Geof Koss, E&E reporters

Published: Thursday, April 28, 2016

An ambitious Senate push to pass all 12 fiscal 2017 appropriations bills this year ran into its first significant hurdle yesterday when the energy and water spending bill stalled over an amendment related to the Iran nuclear deal.

"It's early, but it's not a good sign," said senior appropriator Richard Shelby (R-Ala.) after the Senate failed to invoke cloture on the \$37.5 billion energy-water bill, the first appropriations measure to reach the floor in either chamber this year.

SPECIAL SERIES



Invoking cloture -- which requires 60 votes -- would have likely led to quick passage. But for now, the energy bill and subsequent spending measures remain in limbo as Senate leaders try to find a way to move ahead.

The energy spending bill is generally among the least controversial. So if it faces resistance, that means more contentious bills, like one to fund the Interior Department and U.S. EPA, could run into even greater opposition.

Indeed, a failure on energy-water may mean the entire appropriations process is again off track and that Congress is headed for another series of stopgap funding measures and massive year-end spending deals.

In a sign of the holdup's broader impact, the Senate yesterday evening scrapped a procedural vote to move forward with legislation to fund transportation programs. Majority Leader Mitch McConnell (R-Ky.) had set the vote earlier in the week assuming lawmakers were about the finish work on the energy bill.

Advertisement

Senate Majority Whip John Cornyn (R-Texas) confirmed yesterday that discussions continued on reviving the energy-water bill but said the failed cloture vote didn't portend well for efforts to rein in the wayward appropriations process.

"I hope it's a temporary glitch because, I mean, if we can't get this appropriation bill done, it doesn't bode well for the future, and I think there seemed to be a bipartisan agreement that we need to get our work done on these appropriations bills and avoid a year-end omnibus appropriation," he told *E&E Daily*. "I'm still hopeful we can work out those differences."

Sen. Barbara Mikulski (D-Md.), the ranking member on the Appropriations Committee, also acknowledged that talks continue, "but there has to be a will. And our agreement has no poison pill riders."

In recent years, partisan disputes over policy riders and spending levels have kept Congress from sending the president many individual spending bills.

Senate leaders hoped this year would be different after reaching a bipartisan deal to raise overall discretionary spending to \$1.07 trillion for fiscal 2017.

Both parties agreed to move bills to the floor if they stayed within the spending limits. They also agreed to avoid contentious riders in committee and hash out policy disputes on the floor.

Heavy water

The energy-water spending bill seemed on track to become one of the earliest appropriations measures to pass the Senate since the modern budget process began four decades ago. However, the late emergence of the amendment related to the Iran nuclear deal scuttled that goal.

Arkansas Republican Sen. Tom Cotton on Monday proposed a ban for the Department of Energy from buying heavy water from Iran. The administration announced over the weekend plans to buy 32 tons of the heavy water, used in nuclear reactors, as permitted under the nuclear deal.

The White House quickly came out against the amendment and threatened to veto any spending bill with it. Presidential aides see the proposal as the latest attempt by Republicans to undermine their hard-won Iran deal. The GOP says the amendment is germane to the spending bill.

Sen. Dianne Feinstein (D-Calif.), ranking member on the Energy and Water Development Appropriations Subcommittee, said the amendment was aimed at reversing nonproliferation efforts under the deal and pleaded with Cotton to withdraw it.

She asked, "Why can't we have the ability to do one bill that doesn't have a poison pill on it to set an example for future bills? This was the bill that was supposed to do that. Why can't a member see this?"

Cotton insisted he too was interested in moving spending bills. He noted he had offered to modify his amendment in several ways and set a 60-vote threshold for adopting to end the standoff, but Democrats rejected those approaches.

Senate Minority Whip Dick Durbin (D-Ill.) said he believes the energy bill provides an "easy target" but predicted leaders would eventually find a way around the Iran provision and the appropriations process would not slip off track over "poison pills."

However, a GOP aide cried foul and noted that Democrats did not balk over other contentious riders during last week's vote on an amendment by Sen. John Hoeven (R-N.D.) that would have barred funding for the joint EPA-Army Corps of Engineers rule defining the reach of the Clean Water Act ([Greenwire](#), April 21).

Hoeven, who has long advocated for allowing floor votes on disputed appropriations riders, reiterated the call yesterday.

"It's got to be bipartisan to pass," he said in an interview. "You get consent at 60, and you vote, and it's not

going to move unless you get 60 votes. And frankly, with a lot of them if the president vetoes, you've got to have 67."

Sen. Bill Cassidy (R-La.), a member of Appropriations, said yesterday that Senate Democrats were carrying the president's "heavy water" on the Cotton amendment. "They don't want a vote that looks like they're soft on Iran," he said. "Just to protect the president from being embarrassed."

Appropriator Shelley Moore Capito (R-W.Va.) said she was disappointed by yesterday's snag. "I thought we were moving along in good faith and relatively quickly," she said in an interview. "We've all worked too hard to try to get it to this point. We've moved four bills out unanimously, or close to unanimous, so I hope it's a temporary setback."

SIGN IN TO YOUR SUBSCRIPTIONS/ACCOUNT

ENERGY AND ENVIRONMENT BLOG

Apr 27, 2016 / by Patrick Ambrosio



The most recent review of the Environmental Protection Agency's national ozone standards was a contentious one, with significant advocacy efforts from environmental organizations and industry alike.

If you watched television or listened to a radio in the Washington D.C. area at any point in September 2015, you were likely to encounter industry-funded ads that cautioned of the high costs of changing the standards, which the EPA estimated to cost as much as \$1.4 billion in 2025 alone. Ultimately, EPA Administrator Gina McCarthy decided to revise the 2008 ozone standards of 75 parts per billion to a level of 70 ppb, a decision that upset advocates on both sides.



(Photographer: George Frey/Bloomberg)

As can be expected of any major EPA decision, the ozone standards are now being challenged in federal court, with lawsuits filed by states, industry and environmental groups. Late last week, opening briefs were filed with the U.S. Court of Appeals for the District of Columbia Circuit, outlining various arguments against the EPA's decision to set the ozone standards at 70 ppb.

Here's an overview of the main arguments, which the EPA will respond to this summer when it files its response brief with the court.

Industry and States:

The main argument advanced by a coalition of states, led by Arizona, and various industry groups, including the U.S. Chamber of Commerce and the National Association of Manufacturers, focuses on the attainability of the standards. Those parties allege that the EPA **unlawfully set the standards at a level that some areas of the country will not be able to meet due to uncontrollable emissions sources**, including emissions from Mexico and Asia.

Another argument advanced by the state and industry petitioners is that the EPA's ozone rule is unlawful because the agency failed to take into account the negative economic, social and energy effects related to lowering the standards. For example, the industry

groups argue that while the EPA accounted for positive health benefits related to lowering exposure to ozone, the agency failed to **consider negative health consequences associated with job losses** that could occur if industrial facilities are forced to close as a result of the tighter standards.

While a 2001 unanimous U.S. Supreme Court decision (*Whitman v. American Trucking*) bars the EPA from factoring in the cost of compliance in its decision on where to set national ambient air quality standards, the states and industry groups argue that the EPA is **still required to consider adverse health effects** related to its decision.

The state and industry briefs are available at <http://src.bna.com/enZ> and <http://src.bna.com/el4>.

Environmental and Public Health Groups:

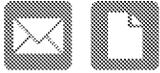
The Sierra Club and other environmental and public groups argue that the form of the standards (which measures compliance based on a three-year average of the fourth-highest eight-hour ozone level measured each year) allows for **communities to be exposed to unsafe levels multiple times a year**. Those groups pointed to a study that showed healthy young people exposed to 72 ppb of ozone suffered decreased lung function and other negative health effects.

The environmental and public health groups also allege that the EPA **failed to follow** recommendations by a group of independent science advisers **and did not adequately justify that decision** as required by the law. While the 70 ppb level the EPA chose is within the range recommended by the Clean Air Scientific Advisory Committee in 2014, that panel cautioned the agency of “substantial evidence” of negatively health effects at 70 ppb.

The environmental and public health groups' brief is available at <http://src.bna.com/eme>.

PATRICK AMBROSIO

Things are picking up - Convenience centers designed to curtail illegal dumping

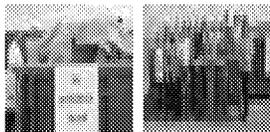


COMMENT



JIM ELLIS / MNR

The Ottawa Tribe & Ottawa County Solid Waste Convenience Center located on East 90 Road and the Will Rogers Turnpike overpass had its first customers Wednesday morning, just moments after a ribbon cutting marking the opener of the site.



By Jim Ellis
jellis@miaminewsrecord.com

Posted Apr. 28, 2016 at 12:34 AM

MIAMI — The Peoria Tribe & Ottawa County Solid Waste Convenience Centers are a real team effort.

A Miami Area Chamber of Commerce ribbon

cutting and grand opening for the first two centers was held Wednesday at the one located on East 90 Road just over the Will Rogers Turnpike overpass.

A second site is at East 69 and South 650 roads.

Both are located on Peoria tribal land.

The Peoria Tribe of Indians of Oklahoma and Ottawa County are joined by the U.S. Public Health Service/Indian Health Services (IHS), Oklahoma Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency (EPA) on the project, which is designed to provide an alternative to illegal trash dumping in rural Ottawa County.

"That is how this project started, with DEQ, EPA and IHS," Peoria Chief John Froman said. "We started cleaning up some of the open dump sites on our tribal property. As we cleaned them and fenced them off, we came up with the idea of a collection center. "

The county leases the sites from the Peoria Tribe at no cost.

The tribe will manage the program for 18 months and then will turn it over to the county.

"We've persevered with this project," said Peoria Environmental Director Jim Dixon, noting that planning started six or seven years ago. "Our hope is this is something that will contribute to our community. Solid waste not only is unsightly, but it also winds up in your water supply."

The centers are open to county residents needing to dispose of items such as furniture, electronic appliances and equipment, water heaters, washer, dryers, carpet, mattresses, box springs, empty refrigerators and freezers (with doors removed), leaves and small loads of construction materials.

No used tires, oil, paint, chemicals, asphalt, concrete, rocks, dirt or loads of brush will be accepted.

Rock, dirt, concrete, asphalt and other fill may be accepted by contacting the District 1 office at 918-673-1100.

There will be roll-off containers to separate metal and wood items.

"I am really proud of the Peoria Tribe with what they've been able to accomplish," said Roger Hancock, tribal solid waste coordinator for the EPA Region 6 in Dallas. "I have bragged on the Peoria Tribe to some of our other tribes. We have 66 tribes in our region, which is Texas, Arkansas, Louisiana, New Mexico and Oklahoma. They all have different solid waste programs.

They are all doing things differently, and that is great. Our job is to help them to get where they want to go.'

Hancock said he's worked with Peoria Tribe environmental specialist Larry Tippit for many years, helping the tribe with a couple grants to locate open dumps in their area and develop their integrated waste management plan.

Water Heater Out of Date?

The Next Generation With Same-Day Installation from The Home Depot®.

[Learn More Here.](#)



News ([//www.usnews.com/news](http://www.usnews.com/news))



Scientists say wastewater spills from oil development in western North Dakota are releasing toxins into soils and waterways

April 27, 2016, at 7:44 p.m.

 (https://www.facebook.com/sharer/sharer.php?u=http%3A%2F%2Fwww.usnews.com%2Fnews%2Fscience%2Farticles%2F2016-04-27%2Fscientists-dakota-oilfield-wastewater-spills-release-toxins%3Fsrc=usn_fb)

 (https://twitter.com/share?url=http%3A%2F%2Fwww.usnews.com%2Fnews%2Fscience%2Farticles%2F2016-04-27%2Fscientists-dakota-oilfield-wastewater-spills-release-toxins%3Fsrc=usn_tw&text=Scientists%20say%20oilfield%20wastewater%20spills%20release%20toxins%20%7C%20US%20News)

 (https://plus.google.com/share?url=http%3A%2F%2Fwww.usnews.com%2Fnews%2Fscience%2Farticles%2F2016-04-27%2Fscientists-dakota-oilfield-wastewater-spills-release-toxins%3Fsrc=usn_gp)

 MORE



FILE - In this July 10, 2014 file photo a worker builds up a berm against a massive saltwater spill from an underground pipeline on the Fort Berthold Indian Reservation near Mandaree, N.D. Scientists say wastewater spills from oil development in western North Dakota are releasing toxins into soils and waterways. In a report published Wednesday, April 27, 2016, Duke University researchers say they detected high levels of lead, ammonium and other contaminants in surface waters affected by recent wastewater spills in the Bakken oilfield region. (AP Photo/Tyler Bell, File) THE ASSOCIATED PRESS

Brine spills from oil development in western North Dakota are releasing toxins into soils and waterways, sometimes at levels exceeding federal water quality standards, scientists reported Wednesday.

Samples taken from surface waters affected by waste spills in recent years in the state's Bakken oilfield region turned up high levels of lead, ammonium, selenium and other contaminants, Duke University researchers said. Additionally, they found that some spills had tainted land with radium, a radioactive element.

Long-term monitoring of waters downstream from spill sites is needed to determine what risks the pollution might pose for human health and the environment, geochemistry professor Avner Vengosh said. But the study revealed "clear evidence of direct water contamination" from oil development using the method known as hydraulic fracturing, or fracking, he said, describing the problem as "widespread and persistent."

Wastewater spills are a longstanding yet largely overlooked side effect of oil and gas production that worsened during the nation's recent drilling boom, when advances in fracking technology enabled North Dakota's daily output to soar from 4.2 million gallons in 2007 to 42 million gallons in 2014.

The Associated Press reported last year that data from leading oil- and gas-producing states showed more than 175 million gallons of wastewater spilled from 2009 to 2014 in incidents involving ruptured pipes, overflowing storage tanks and other mishaps or even deliberate dumping. There were some 21,651 individual spills, but many releases go unreported.

Scientists say the wastewater is often much saltier than the oceans and kills nearly all vegetation it touches, rendering sections of crop and ranch lands unusable. It also contains toxic chemicals, some of which are injected during fracking to release oil and gas from rock deposits and others that exist naturally underground.

Western North Dakota are releasing toxins into soils and waterways. In their report, published in the journal Environmental Science & Technology, Vengosh and other Duke researchers said their findings were based on an analysis of water samples collected from areas affected by spills, two of which were among the largest on record in North Dakota.

They identified unique chemical "fingerprints" that showed the contaminants came from brine spills and not some other source, Vengosh said. In most samples, toxic selenium was measured in concentrations up to 35 times the level that the U.S. Environmental Protection Agency considers safe for freshwater aquatic life, the report said. And other elements were found in concentrations above the EPA limit for drinking water.

"The results of this study indicate that the water contamination from brine spills is remarkably persistent in the environment, resulting in elevated levels of salts and trace elements that can be preserved in spill sites for at least months to years," the report said.

Dave Glatt, chief of North Dakota's environmental health section, said it was well known that oilfield wastewater is laced with toxic substances. But most spills don't endanger the public because they are quickly cleaned up and don't reach waterways, he said. Work continues on three of the sites from which the Duke researchers drew samples and drinking water has not been contaminated, he said.

Kerry Sublette, a University of Tulsa chemical engineering professor and expert on oilfield wastewater spills who wasn't involved with the Duke study, said the team's methods could help other researchers establish clear links between the spills and changes in stream chemistry.

Sublette recently completed a study that found toxins from spills in streams flowing through Oklahoma's Tallgrass Prairie Preserve, which will disrupt food chains by killing insects, worms and other small animals, he said.

Copyright 2016 The Associated Press (<http://www.ap.org>). All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

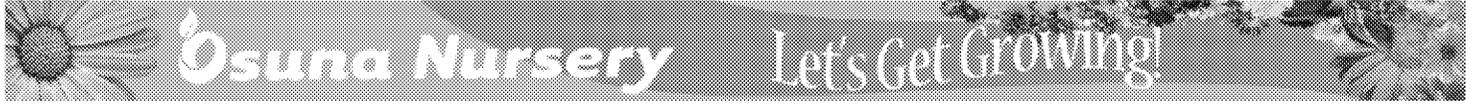
(https://www.facebook.com/sharer/sharer.php?u=http%3A%2F%2Fwww.usnews.com%2Fnews%2Fscience%2Farticles%2F2016-04-27%2Fscientists-dakota-oilfield-wastewater-spills-release-toxins%3Fsrc=usn_fb)

(https://twitter.com/share?url=http%3A%2F%2Fwww.usnews.com%2Fnews%2Fscience%2Farticles%2F2016-04-27%2Fscientists-dakota-oilfield-wastewater-spills-release-toxins%3Fsrc=usn_tw&text=Scientists%20say%20oilfield%20wastewater%20spills%20release%20toxins%20%7C%20US%20News)

Email Password Remember Me

Albuquerque Journal

SUBSCRIBE



Wilderness proposal draws fire

By [Michael Coleman / Journal Washington Bureau](#)

Thursday, April 28th, 2016 at 12:05am

New Mexico's U.S. senators are cheering a Senate energy bill's inclusion of protected wilderness areas in the Rio Grande National Monument near Taos, but the plan has a significant opponent: New Mexico Land Commissioner Aubrey Dunn.

The energy bill approved by the Senate last week would set aside 21,420 acres, dubbed the Cerro del Yuta Wilderness and Rio San Antonio Wilderness areas, within the 242,500-acre national monument created by President Barack Obama two years ago. Dunn issued a statement Wednesday criticizing the designation.



DUNN: Federal designation a "land grab"

The land commissioner noted that 1,280 acres within the wilderness area are state Trust Lands, which are generally leased for livestock grazing, mineral extraction, and other projects that generate revenues devoted to New Mexico schools, public hospitals and other institutions. Dunn described the federal wilderness designation as a "land grab" that is "tantamount to a slap in the face of New Mexico's schoolchildren."

"With low oil prices already impacting revenues from state Trust Lands, the designation of these new wilderness areas will only add insult to injury and further reduce revenues in support of New Mexico's schoolchildren," Dunn said.

The federal government, he said, should transfer Bureau of Land Management lands to the state to compensate for the loss of state Trust Lands. A spokeswoman for Sen. Martin Heinrich, a New Mexico Democrat who authored legislation establishing the wilderness areas, said the designation will not affect the Land Office's ability to lease the land and that the senator is open to the idea of a federal land swap for state lands protected under wilderness designations.

A Land Office spokeswoman told the Journal that state lands put into protected status during the Obama administration could generate an estimated \$9.2 million per year in lease revenues for the state.

BISON BIPARTISANSHIP

The once-endangered bison took one step closer to becoming the official "national mammal" of the United States after the U.S. House passed legislation making the designation on Wednesday. The Senate is expected to approve the legislation and send it to President Obama today.

Sens. Martin Heinrich and John Hoeven, R-N.D., co-authored the Senate legislation, proving that the Senate can reach bipartisan agreement on something if it's not particularly controversial.

"Bison are a uniquely American animal and are the embodiment of American strength and resilience," Heinrich said in a statement. "The bison has been an important part of our culture for many generations, especially in New Mexico, across the West, and in Indian Country. Recognition of our new national mammal will bring a new source of pride for Americans – just like the bald eagle – and also bring greater attention to ongoing conservation and species recovery efforts. I hope that in my lifetime, thanks to a broad coalition of conservation ranchers, wildlife advocates, and tribal nations, we will see bison return to the prominent place they once occupied in our nation's shortgrass prairies."

According to Heinrich's office, the population of bison in North America once exceeded 40 million but that number dwindled to fewer than 1,000 by the end of the 19th century. A concerted conservation effort led by then-President Theodore Roosevelt helped fuel a resurgence of the noble animal.

Bison now live in all 50 states.

Michael Coleman: mcoleman@abqjournal.com.